

IN THE UNITED STATES COURT OF FEDERAL CLAIMS

JENNER TORRENCE,)	
)	
Plaintiff,)	
)	No. 24-258
v.)	(Judge Kathryn C. Davis)
)	
THE UNITED STATES,)	
)	
Defendant.)	

**DEFENDANT’S MOTION FOR
ENLARGEMENT OF TIME TO RESPOND TO COMPLAINT**

Pursuant to Rules 6(b) and 6.1 of the Rules of the United States Court of Federal Claims, defendant, the United States, respectfully requests a 60-day enlargement of time to, and including, Friday, June 21, 2024, within which to respond to plaintiff’s complaint. We have not previously requested an enlargement of time for this purpose. Defendant’s response currently is due by April 22, 2024.

Government counsel conferred on this motion by electronic mail with counsel for plaintiff, Mr. Sean C. Timmons on April 17, 2024. Mr. Timmons provided Government counsel the following response: “We have no opposition to a 30 day extension. The DOJ has been awfully nasty to us on the Sigoloff case and Klivington matter so my bargaining position is sadly jaded by the bad faith refusal to negotiate with us on other cases your department’s handling.”¹ Mr. Timmons further advised Government counsel that he would not be filing a response to this motion.

This request for an enlargement of time is necessary because we have not yet received the litigation report that the Department of the Air Force (Air Force), the agency involved in this

¹ Government counsel searched on PACER for the Sigoloff and Klivington cases referenced by plaintiff’s counsel. Those cases are not pending in this Court, they are not being handled by our office and, to the best of our knowledge and information, there is no connection between those cases and the claims advanced in the complaint by the plaintiff in this case.

case, is obligated to provide the Department of Justice pursuant to 28 U.S.C. § 520(b). After we received plaintiff's complaint, our office notified the Air Force of this matter and requested a litigation report. In response to an inquiry by undersigned Government counsel, on Wednesday, April 17, 2024, the Air Force advised us that it had not received the correspondence that our office sent last month notifying it of this litigation. Government counsel has now provided the Air Force copies of the correspondence and the pleadings in this case. On the afternoon of April 17, staff in the Air Force's Judge Advocate General Military Personnel Law and Litigation Branch also advised us that they are in the process of assigning agency counsel to this matter and requesting the assembling of the administrative record. After receipt of the administrative record, the assigned agency counsel will be in a position to prepare the requisite litigation report for our office.

After we receive the litigation report, undersigned Government counsel will need time to review the report, its supporting documentation, and the suggested response to the complaint. Government counsel also will need time to consult with agency counsel and other Government attorneys, and to prepare and file the Government's response to the complaint, following mandatory supervisory review within our office.

For these reasons, we respectfully request the Court to grant defendant's motion for an enlargement of time of 60 days, to and including June 21, 2024, within which to respond to plaintiff's complaint.

Respectfully submitted,

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